

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

**WILBUR ENSLEY, *et al.*,**

**Plaintiffs,**

**Civil Action No. 3:17-CV-024-MHL**

**v.**

**CITY OF RICHMOND, VIRGINIA, *et al.*,**

**Defendants.**

**PLAINTIFFS' MEMORANDUM IN SUPPORT OF THEIR MOTION  
FOR LEAVE TO FILE RESPONSE TO DEFENDANTS'  
NOTICE OF SUPPLEMENTAL AUTHORITY**

COME NOW Plaintiffs Wilbur Ensley, Covey Andrews, Shamar Archer, Deunte Humphries, and Jamar Gilliam, by counsel, and, for their Memorandum in Support of their Motion for Leave to File Response to Defendants' Notice of Supplemental Authority, state as follows:

On June 14, 2017, the Defendants in this case filed a "Notice of Supplemental Authority." ECF No. 67. The Defendants – all ten of them, represented by five different law firms/general counsel's office – did not seek leave of Court before filing their Notice. As a result, the Notice is in violation of the Local Rules for the Eastern District of Virginia. *See* Local Civil Rule 7(F)(1) (describing the briefs that may be filed with the Court and further stating that "[n]o further briefs or written communications may be filed without first obtaining leave of Court").

However, believing that the violation may be termed inconsequential, Plaintiffs do not object to the Defendants' filing of the Notice.

Because Local Civil Rule 7(F)(1)) explicitly requires the Plaintiffs to seek "leave of Court" prior to filing "briefs or written communications" not otherwise listed in Local Civil Rule 7(F)(1),

the Plaintiffs respectfully ask this Court to grant their motion seeking leave and accept for filing the attached Plaintiffs' Response to Defendants' Notice of Supplemental Authority.

### **CONCLUSION**

For the reasons stated above, the Plaintiffs, by counsel, respectfully request that the Court grant their Motion Seeking Leave to File Response to Defendants' Notice of Supplemental Authority and accept for filing the attached Plaintiffs' Response to Defendants' Notice of Supplemental Authority.

Respectfully submitted,

WILBUR ENSLEY, COVEY ANDREWS,  
SHAMAR ARCHER, DEUNTE  
HUMPHRIES and JAMAR GILLIAM

By: /s/ Mark J. Krudys  
Counsel

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*Counsel for Plaintiffs Wilbur Ensley, Covey Andrews, Shamar Archer, Deunte Humphries, and Jamar Gilliam*

**CERTIFICATE OF SERVICE**

I hereby certify that on June 22, 2017, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all registered users.

By: /s/ Mark J. Krudys

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